IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 5858 OF 2004
IN
CRIMINAL APPEAL NO. 847 OF 2004

Harish Laxman Gawad .. Applicant

Vs.

The State of Maharashtra .. Respondent

Mr. C.K. Talekar for applicant.
Mr. S.R. Borulkar, Public Prosecutor with Ms. P.H. Kantharia, APP for State.

CORAM: S.S. PARKAR &
SMT. RANJANA DESAI,JJ.
Date : September 28, 2005.

P.C.:

1. This is second application made on behalf of the accused no.4 for bail, his earlier application for bail having been rejected by us by order dated 12/7/2004.

2. On behalf of the applicant, firstly, reliance is placed on the order of this court dated 30/6/2005 in Criminal Application No.4045 of 2005 granting bail to accused no.3 whose role is similar to the role of this accused. Secondly, it is pointed out that all the witnesses having turned hostile, the trial court had relied on the circumstances of recovery of blood stained clothes and weapon at the instance of this applicant-accused and the fact that he was absconding and recorded a finding that this accused had

participated in killing the deceased along with accused no.3, which was relied by us in our previous order dated 12/7/2004. It is pointed out that neither the blood stained clothes nor the blood stained weapon recovered at the instance of this applicant-accused were produced before the trial court. Moreover, in our previous order we had mentioned that recovery of the clothes of this accused was made at the instance of accused no.3. In view of the aforesaid circumstances, we are inclined to grant this application. Since it is brought to our notice that this applicant was involved in several criminal cases previously, it would be desirable to put condition of reporting to the police station.

3. In the result, this application is allowed and the applicant is directed to be released on bail in the sum of Rs.25,000/- with two sureties of like amount on condition that he shall report to the concerned police station once in a month.

(S.S. Parkar,J.)

(Smt.Ranjana Desai,J.)